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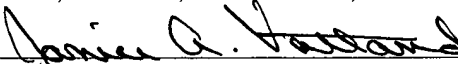
ATTORNEY'S DOCKET NO: C1037.70017US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bratzler et al.
Serial No.: 09/800,266
Confirmation No.: 3753
Filed: March 5, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACIDS AND CANCER
MEDICAMENT COMBINATION THERAPY FOR THE TREATMENT
OF CANCER
Examiner: Angell, Jon E.
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 29th day of August, 2003.


Janice A. Vatland, Reg. No. 52,318

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

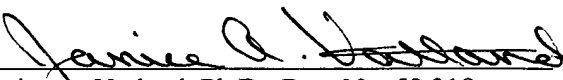
Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 with cited references and related applications
- ☒ Certificate of Mailing
- ☒ Check for \$180.00
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Bratzler et al., Applicant(s)

By: 
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Docket No. C1037.70017US00
Dated: August 29, 2003
XNDD



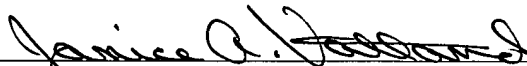
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Janice A. Vatland, Reg. No. 52,318

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed after the mailing date of a first Office Action on the merits in the above-identified case.

The \$180 fee is enclosed.

09/04/2003 NROCHA1 00000002 09800266

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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

Docket Number	Serial Number	Filing Date	Inventor(s)
C01037.70013.US	09/776,479	2/2/01	Bratzler et al.
C01037.70016.US	09/009,634	1/20/98	Hutcherson et al.
C01037.70018.US	09/801,839	3/8/01	Bratzler et al.
C01037.70019.US	09/920,313	8/1/01	Bratzler et al.
C01037.70021.US	09/949,194	9/7/01	Peterson et al.
C01037.70025.US	10/017,995	12/14/01	Bratzler
C01037.70041.US	TBD	7/3/03	Krieg
C01037.70042.US	TBD	7/3/03	Krieg
C01037.70043.US	TBD	7/3/03	Krieg
C01037.70044.US	TBD	7/3/03	Krieg
C01037.70045.US	TBD	7/3/03	Krieg
C01037.70046.US	TBD	6/5/03	Krieg
C01039.70020.US	09/337,584	6/21/99	Krieg et al.
C01039.70021.US	09/337,619	6/21/99	Krieg et al.
C01039.70022.US	09/337,893	6/21/99	Krieg
C01039.70023.US	09/337,636	6/21/99	Krieg
C01039.70028.US	09/361,575	7/27/99	Krieg
C01039.70029.US	09/415,142	10/9/99	Krieg et al.
C01039.70035.US	09/669,187	09/25/00	Krieg et al.
C01039.70036.US	09/559,140	4/27/00	Noll et al.
C01039.70041.US	09/655,319	9/5/00	Krieg et al.
C01039.70042.US	09/630,319	7/31/00	Krieg et al.
C01039.70043.US	09/629,477	7/31/00	Krieg et al.
C01039.70044.US	09/672,126	9/27/00	Hartmann et al.
C01039.70048.US	09/818,918	3/27/01	Krieg et al.

Docket Number	Serial Number	Filing Date	Inventor(s)
C01039.70049.US	09/824,468	04/02/01	Krieg et al.
C01039.70052.US	09/888,326	6/22/01	Weiner et al.
C01039.70053.US	09/931,583	8/16/01	Krieg et al.
C01039.70057.US	09/965,101	9/26/01	Davis et al.
C01039.70058.US	10/023,909	12/18/01	Davis et al.
C01039.70060.US	10/112,653	3/29/02	Krieg et al.
C01039.70061.US	10/161,229	6/3/02	Krieg et al.
C01039.70062.US	10/187,489	7/2/02	Krieg et al.
C01039.70063.US	10/224,523	8/19/02	Krieg et al.
C01039.70065.US	10/272,502	10/15/02	Krieg et al.
C01039.70067.US	10/300,247	11/20/02	Davis et al.
C01039.70068.US	10/306,522	11/27/02	Krieg et al.
C01039.70069.US	10/314,578	12/9/02	Krieg et al.
C01039.70070.US	10/382,822	3/6/03	Krieg et al.
C01039.70071.US	10/435,656	5/9/03	Krieg et al.
C01039.70072.US	10/434,696	5/9/03	Davis et al.
C01039.70075.US	TBD	7/3/03	Krieg et al.
C01039.70077.US	TBD	7/14/03	Krieg
C01039.70078.US	TBD	7/25/03	Krieg et al.
C01039.70079.US	TBD	7/25/03	Krieg et al.
C01039.70080.US	TBD	7/30/03	Krieg et al.
C01040.70006.US	09/316,199	5/21/99	McCluskie et al.
C01040.70010.US	09/768,012	1/22/01	Davis et al.
C01041.70002.US	09/241,653	2/2/99	Wagner et al.
C01041.70005.US	09/355,254	7/23/99	Wagner et al.
C01041.70010.US	09/786,436	9/3/99	Wagner et al.
C01041.70014.US	09/895,007	6/28/01	Schetter et al.
C01041.70016.US	09/954,987	9/17/01	Bauer et al.
C01041.70019.US	10/140,013	5/6/02	Schetter et al.
C01041.70029.US	10/212,133	8/1/02	Lipford et al.
C01041.70031.US	10/265,072	10/5/02	Lipford
C01041.70035.US	10/373,381	2/24/03	Wagner et al.
C01041.70037.US	10/407,952	4/4/03	Lipford et al.

The following are remarks concerning the other information cited:

PART III: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

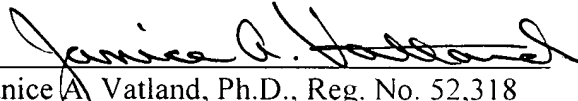
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

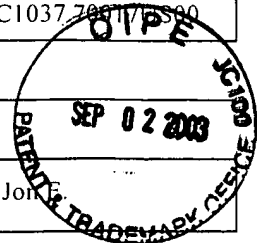
An early and favorable action is hereby requested.

Respectfully submitted,
Bratzler et al., Applicant(s)

By: 
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Docket No. C1037.70017US00
Dated: August 29, 2003
XNDD

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/800,266		ATTY. DOCKET NO.: C1037.7061/P590	
				FILING DATE: March 5, 2001		Confirmation No.: 3753	
				APPLICANT: Bratzler et al.			
				GROUP ART UNIT: 1635		EXAMINER: Angell, Jon	
Sheet	1	of	8				



U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	3,906,092		Hilleman et al.	09-16-1975
	A2	5,248,670		Draper et al.	09-28-1993
	A3	5,417,972		Bhat et al.	05-23-1995
	A4	5,445,938		Hanai et al.	08-29-1995
	A5	5,491,088		Hellstrom et al.	02-13-1996
	A6	5,663,153		Hutcherson et al.	09-02-1997
	A7	5,679,647		Carson et al.	10-21-1997
	A8	5,723,335		Hutcherson et al.	03-03-1998
	A9	5,756,097		Landucci et al.	05-26-1998
	A10	5,786,189		Locht et al.	07-28-1998
	A11	5,837,243		Deo et al.	11-17-1998
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	A13	5,997,858		Tovey, et al.	12-07-1999
	A14	6,013,639		Peyman, et al.	01-11-2000
	A15	6,194,388		Krieg et al.	02-27-2001
	A16	6,207,646		Krieg et al.	03-27-2001
	A17	6,214,806		Krieg et al.	04-10-2001
	A18	6,218,371		Krieg et al.	04-17-2001
	A19	6,239,116		Krieg et al.	05-29-2001
	A20	6,339,068		Krieg et al.	01-15-2002
	A21	6,406,705		Davis et al.	06-18-2002
	A22	6,429,199		Krieg et al.	08-06-2002

FOREIGN PATENT DOCUMENTS

Examiner's Initials#	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B1	EP	0 302 758	B1	New England Medical Center Hospitals	02/08/1989	
	B2	EP	0 468 520	A2	Mitsui Toatsu Chemicals, Inc.	01/29/1992	
	B3	WO	91/12811	A1	ISIS Pharmaceuticals, Inc.	09/05/1991	
	B4	WO	92/03456	A1	ISIS Pharmaceuticals, Inc.	03/05/1992	
	B5	WO	92/18522	A1	The Salk Institute for Biological Studies	10/29/1992	
	B6	WO	92/21353	A1	Genta Incorporated	12/10/1992	
	B7	WO	94/19945	A1	ISIS Pharmaceuticals, Inc.	09/15/1994	
	B8	WO	95/05853	A1	The Regents of the University of CA	03/02/1995	

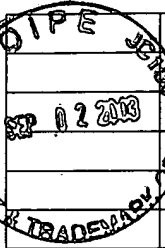
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	B9	WO	95/26204	A1	ISIS Pharmaceuticals, Inc.	10/05/1995	
	B10	WO	96/02555	A1	University of Iowa Research Foundation	02/01/1996	
	B11	WO	96/02560	A1	University of NC at Chapel Hill	02/01/1996	
	B12	WO	96/24380	A1	ICN Pharmaceuticals, Inc.	08/15/1996	
	B13	WO	96/35782	A1	Applied Research Systems	11/14/1996	
	B14	WO	96/39154	A1	ISIS Pharmaceuticals, Inc..	12/12/1996	
	B15	WO	97/28259	A1	The Regents of the University of CA	08/07/1997	
	B16	WO	98/16247	A1	The Regents of the University of CA	04/23/1998	
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	B18	WO	98/29430	A1	ICN Pharmaceuticals, Inc.	07/09/1998	
	B19	WO	98/32462	A1	Wagner et al.	07/30/1998	
	B20	WO	98/37919	A1	University of Iowa Research Foundation	09/03/1998	
	B21	WO	98/40100	A1	Ottawa Civic Loeb Research Institute	09/17/1998	
	B22	WO	98/55495	A2	Dynavax Technologies Corp.	12/10/1998	
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	B24	WO	99/52549	A1	Smithkline Beecham Biologicals	10-21-1999	
	B25	WO	00/14217	A2	CpG ImmunoPharmaceuticals GmbH	03/16/2000	
	B26	WO	00/20039	A1	The Regents of the University of CA	04-13-2000	
	B27	WO	00/62787	A1	The Regents of the University of CA	10-26-2000	
	B28	WO	01/02007	A1	The Regents of the University of CA	01/11/2001	
	B29	WO	01/12223	A2	Dynavax Technologies Corp.	02/22/2001	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C6	AZUMA, et al., <i>Kekkaku</i> , 67(9):625-635, (45-55) 1992	
	C7	BRANDA, et al., <i>J. Lab Clin Med</i> 128(3):329-38, 1996	
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	C10	CHACE, et al., <i>Clinical Immunology and Immunopathology</i> , (1993), 68(3):327-332	
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	C13	COWDERY, et al., <i>J Immunol</i> 156(12):4570-5, 1996	
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	C17	DEMATOS, et al., <i>J. Surg. Oncol.</i> , 68(2):79-91 (1998)	
	C18	ELKINS, et al. <i>J. Immunol.</i> 162:2291-2298, 1999	
	C19	EUROTECH COMMISSION: EUROTECH CAPITAL REPORT Prepared by Delevoye, et al., January 2000	

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C20	FUJIEDA, et al., <i>Anticancer Res.</i> , 12:1941-1946, 1992		
C21	GILBOA, et al., <i>Cancer Immunol. Immunother.</i> , 46:82-87, 1998		
C22	GRANGE, et al. <i>Lancet</i> 345(8961):1350-2, 1995 Abstract Only		
C23	HALPERN MD et al., <i>Cell Immunol</i> 167(1):72-8, 1996		
C24	HARTMANN & KRIEG, et al. <i>Gene Therapy</i> , 6:893-903, 1999		
C25	HARTMANN & KRIEG, et al. <i>J. Immunol.</i> 164:944-952, 2000		
C26	HARTMANN, et al. <i>J. Immunol.</i> 164:1617-1624, 2000		
C27	HARTMANN, et al., <i>Proc. Natl. Acad. Sci. USA</i> , 96:9305-9310, 1999		
C28	HORNER, et al., <i>Springer Semin Immunopathol</i> , 22(1-2):133-146, 2000		
C29	HUANG, et al., <i>Infection and Immunity</i> , 67(12):6257-6263 (1999)		
C30	HUGHES, et al. <i>Antisense Res Dev</i> 4:211-15, 1994		
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C42	KRIEG, A.M. et al., "Modification of antisense phosphodiester oligodeoxynucleotides by a 5' cholesteryl moiety increases cellular association and improves efficacy", <i>Proc Natl Acad Sci U S A.</i> 1993 Feb 1;90(3):1048-52		
C43	KRIEG, A.M. et al., "Oligodeoxynucleotide Modifications Determine the Magnitude of B Cell Stimulation by CpG Motifs", <i>Antisense & Nucleic Acid Drug Development</i> , 1996, Pages 133-139, Vol. 6.		
C44	KRIEG, A.M. et al., "Phosphorothioate Oligodeoxynucleotides: Antisense or Anti-Protein?", <i>Antisense Research and Development</i> , 1995, Page 241, Vol. 5, Mary Ann Liebert, Inc.		
C45	KRIEG, A.M. et al., "Uptake of Oligodeoxyribonucleotides by Lymphoid Cells is Heterogenous and Inducible", <i>Antisense Research and Development</i> , 1991, Pages 161-171, Vol. 1, Mary Ann Liebert, Inc.		
C46	KRIEG, A.M., "An innate immune defense mechanism based on the recognition of CpG motifs in microbial DNA", <i>J. Lab. Clin. Med.</i> , 1996, Pages 128-133, Vol. 128		
C47	KRIEG, A.M., "Chapter 24: Leukocyte Stimulation by Oligodeoxynucleotides", <i>Applied Antisense Oligonucleotide Technology</i> , 1998, Pages 431-448, Wiley-Liss, Inc.		
C48	KRIEG, A.M., "CpG DNA: A Pathogenic Factor in Systemic Lupus Erythematosus?", <i>Journal of Clinical Immunology</i> , 1995, Pages 284-292, Vol. 15, No. 6		
C49	KRIEG, et al. <i>Pharmacol Ther.</i> 84:113-120, 1999		
C50	KURAMOTO, E. et al., "Changes of Host Cell Infiltration into Meth A Fibrosarcoma Tumor During the Course of Regression Induced by Injections of a BCG Nucleic Acid Fraction", <i>Int. J. Immunopharmac.</i> , 1992, Pages 773-782, Vol. 14, No. 5.		

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		GROUP ART UNIT: 1635		EXAMINER: Angell, Jon E.	
Sheet	4	of	8		

	C51	KURAMOTO, E. et al., " <i>In Situ</i> Infiltration of Natural Killer-Like Cells Induced by Intradermal Injection of the Nucleic Acid Fraction from BCG", <i>Microbiol. Immunol.</i> , 1989, Pages 929-940, Vol. 33, No. 11		
	C52	KURAMOTO, E. et al., "Oligonucleotide Sequences Required for Natural Killer Cell Activation", <i>Jpn. J. Cancer Res.</i> , November 1992, Pages 1128-1131, Vol. 83		
	C53	LACOUR, J., "Clinical Trials Using Polyadenylic-Polyuridylic Acid as an Adjuvant to Surgery in Treating Different Human Tumors", <i>Journal of Biological Response Modifiers</i> , 1985, Pages 538-543, Vol. 4.		
	C54	LANG, R. et al., "Guanosine-rich oligodeoxynucleotides induce proliferation of macrophage progenitors in cultures of murine bone marrow cells", <i>Eur. J. Immunol.</i> , 1999, Pages 3496-3506, Vol. 29.		
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